

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROBERT DAVIS,	:	
Petitioner,	:	
	:	
v.	:	Civil No. 2:09-cv-5693-JMG
	:	
RANDALL SEARS, et al.,	:	
Respondents.	:	

ORDER

AND NOW, this 13th day of June 2024, upon consideration of Petitioner’s Amended Petition for Writ of Habeas Corpus (ECF No. 29), Respondent’s Response (ECF No. 86), the Report and Recommendation of United States Magistrate Judge Richard A. Lloret (ECF No. 93), and Petitioner’s Preliminary Objections (ECF Nos. 95-99), **IT IS HEREBY ORDERED** as follows:

1. The Report and Recommendation (ECF No. 93) is **APPROVED** and **ADOPTED**;
2. Petitioner’s Petition for Writ of Habeas Corpus is **DISMISSED** with prejudice by separate Judgment, filed contemporaneously with this Order;¹
3. No certificate of appealability shall issue under 28 U.S.C. § 2253(c)(1)(A) because “the applicant has [not] made a substantial showing of the denial of a constitutional right [.]” under 28 U.S.C. § 2253(c)(2), since he has not demonstrated that “reasonable jurist” would find the “assessment of the constitutional claims debatable or wrong.”²

¹ See Federal Rule of Civil Procedure 58(a); Rules Governing Section 2254 Cases in the United States District Courts, Rule 12.

² *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *See United States v. Cepero*, 224 F.3d 256, 262-63 (3d Cir. 2000), *abrogated on other grounds by Gonzalez v. Thaler*, 565 U.S. 134 (2012).

4. The Clerk of Court is directed to mark this case **CLOSED**.

BY THE COURT:

/s/ John M. Gallagher

JOHN M. GALLAGHER

United States District Court Judge